

Town of Brookline

Massachusetts

HOUSING ADVISORY BOARD

Public Meeting
March 17, 2021
5:00 – 7:00 pm

DUE TO THE ONGOING HEALTH EMERGENCY, PARTICIPATION IN THIS MEETING IS AS FOLLOWS.

Register for this meeting by following this link:

https://brooklinema.zoomgov.com/webinar/register/WN_GKHzPHkFQUeBOu2GWsgXaw

After registering, you will receive a confirmation email containing information about joining the meeting. Note that registration is only needed to receive information on how to join the meeting and does not preclude an individual's ability to attend anonymously by telephone. To join the meeting by phone, please call:

Phone Number: +1 669 254 5252

Webinar ID: 161 686 6712

Passcode: 72133377

AGENDA

1. Approval of minutes from HAB meeting February 17, 2021
2. Hebrew Senior Life – Updated plans for 108 Centre Street
3. Identify all housing-related Articles on the May Town Meeting Warrant; schedule public hearings on selected Articles
4. Discussion on promoting Community Preservation Act – on the ballot May 4th
5. Updates (see materials for more details)
 - Inclusionary Zoning – payment received for one project; Expecting payment from 2 more projects by end of 2021
 - Kent Street Committee – continued negotiations with selected developer
 - BHA Colonel Floyd – awaiting PEL from DHCD for 32 Marion Street
 - Housing Production Plan – RFP being sent out
 - Affordable Homebuyer Unit Re-sales – 1 unit advertising now; 3 units in closing; 2 units expected for re-sale soon
6. New Business

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to Lloyd Gellineau, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail atl@gellineau@brooklinema.gov

HOUSING ADVISORY BOARD MINUTES

February 17, 2021

VIRTUAL MEETING

HAB Members: Roger Blood, Steve Heikin, Michael Jacobs, Jennifer Raitt, Rita McNally, Jonathan Klein, Pam Goodman, Heather Hamilton

Staff: Virginia Bullock, David Guzman, Joseph Viola, Linda Hickey, Monique Baldwin

Attendees: Henry Winkelman, Deborah Brown

Roger Blood called the meeting to order at 5:05PM

1. Approval of minutes from January 20, 2021 HAB Meeting

Pam made a motion, Rita McNally seconded and HAB members

VOTED unanimously to approve the minutes from the meeting of January 20, 2021

2. Discussion and vote on Warrant Article to update Section 4.08 (Affordable Housing Requirements) of the Town's Zoning By-law.

Roger Blood went over the proposed changes to strengthen Section 4.08 - the Town's Inclusionary Zoning by-law. The draft warrant article and explanation were included in the HAB package. The proposed changes include technical changes for calculating how household sizes are set to be consistent with the state's LAU program, referencing the Affordable Housing Guidelines for how rents and prices plus surcharges will be set, and setting lower floors for rental and ownership units at 50% for rental and 80% for ownership. Guidelines will also include how to calculate additional fees if developers decide to serve households at the higher income limits included in the by-law. (The maximum will be 80% AMI for rentals and 120% AMI for homeownership units.)

Michael Jacobs stated that while the goal is consistency with DHCD, DHCD calculates rents differently than HUD. The result is that sometimes our rents are higher and sometimes lower for the IZ units. Virginia noted that it was not crucial that they be the same as HUD rents as there was no federal funding in these units and that the proposed method would reflect DHCD guidelines.

The timing of these changes is important as we approach 10% of the Town's total units being eligible for the SHI. Once 10% is reached, it would trigger a change in the way affordability is calculated that would reduce the developers' cost of compliance. Essentially this Article is Phase II of the work that we did with Pam McKinney to strengthen the by-law

Mike raised the issue that rents levels for the 100% AMI category are very close to the market rate. Virginia stated that there are a number of current opportunities at rent levels that are close to 100% AMI at this time, possibly due to the pandemic. Pam expressed concern that we should not base our policy on current conditions and that there are many households earning 100% AMI that cannot afford to rent in Brookline. Roger noted that we could keep the maximum at 80% under the Guidelines but, should future market

conditions change, the upper limit on rentals could be raised to 100% AMI in the future by changing the Guidelines. After some further discussion,

HAB **VOTED** unanimously to set the maximum for rental units at 80% area median income at this time.

Jenny moved that the warrant article be filed as presented, Steve seconded and the

HAB **VOTED** unanimously to support the warrant article as proposed.

3. Presentation and discussion of recently passed economic recovery and reform bill An Act Enabling Partnerships for Growth – focused on changes to Zoning Law to promote housing

Jonathan then made a presentation of the Housing Provisions in the recently passed Economic Development Law (H5250) utilizing a presentation done by CHAPA and also a legal opinion on the zoning provisions of the new law prepared for municipalities.

He reviewed the Housing Choice provisions that lowers the vote required from 2/3 majority of Town Meeting to a simple majority for specific provisions that would promote additional housing development, including multifamily, ADUs, and Cluster development. This would also apply to changes in zoning of dimensional requirements when it has the impact of allowing additional units than otherwise permitted. Steve noted that the Planning Department is looking at possibly raising FARs and/or reducing Parking requirements to produce additional housing. There are similar provisions that would allow these changes to take place via special permit.

The legislation includes a provision that requires multifamily zoning in MBTA communities. Brookline already has a number of multifamily districts close to MBTA stations so this provision most likely will not impact Brookline. Abutter appeal reforms will allow judges to require a \$50,000 bond – making it more difficult to appeal special permits, variances, and possibly 40Bs. The legislation includes an increase in State Low Income Tax Credits as well as several other bond authorized funds to be managed by DHCD; also changes to 40R which may not be currently applicable to Brookline. Finally it ensures tenant representation on Housing Authority boards, although Brookline has had this provision for a long time.

Jonathan remarked that there are opportunities for changes to zoning that will support increased housing development and that some people are anxious to start proposing changes immediately, although he believes that we should first engage in the Housing Production Plan process.

DHCD will be issuing guidance about what is considered an MBTA station and whether bus stops count, although Jenny stated that she believes it refers to bus stations not just stops.

There was a brief discussion on 40R. Members agreed that it should be looked into it as part of the HPP.

4. Presentation by Brookline Improvement Coalition on its Strategic Plan

Roger welcomed Deborah Brown and Henry Winkelman from the Brookline Improvement Coalition (BIC).

Deb stated that the BIC is now 40 years old. BIC has huge potential and wants to work with others like the BHA and the HAB. BIC has been having strategic planning meetings every Wednesday since June, producing a program for 2021-2026. She went over the mission statement for the organization, recommitting to diversity and inclusion.

BIC's five areas of focus include: Community Engagement (including individuals, government, and nonprofits); asset management; internal management - financial stability and fundraising; affordable housing and first time homebuyer course; and resources for individuals.

One HAB member asked if BIC's CDC recertification had lapsed. Deb stated that they were currently renewing it. Another member asked if BIC would be partnering with other CDCs. Deb stated that it is very difficult to do development in such an expensive community so they hoped to partner with others. Their goal is "40 units in 4 years". BIC is interested in teaming up with an experienced developer, such as Winn or another CDC.

Members discussed the history of BIC. BIC acted as a sponsor for the Town on the 1754 Beacon Street property – Pine Street Inn Property. Something like this is a very effective role for BIC. The BIC used to be CHODO but because of lack of development activity and board composition, that HUD-designated status lapsed. In the past, BIC has helped with the purchase of foreclosed affordable units and holding property in general. Currently BIC owns two properties – 1017 Beacon Street which is an SRO currently managed by Pine Street Inn and 154-156 Boylston Street which is a six-unit property.

Roger noted that just as the BHA has become an active productive partner in affordable housing creation, he hopes that the BIC can also become a productive partner with the Town and the HAB. Other things that CDCs can do include besides development, include advocacy, education, and services. Deborah stated that they were definitely interested in education and advocacy but providing services is not something they will provide in the next 5 years as she believes this takes more capacity than the organization currently has.

Mike noted that he was on the BIC board thirty five years ago and asked about the order of BIC's priorities. Their first issue is sustaining the organization; he asked what steps they were taking to accomplish this. Deb agreed and stated that they need more people who are experts and possibly an Advisory Committee in addition to the board. She invited HAB members to join the Advisory Board.

Roger Blood encouraged BIC to participate in the HPP, particularly with community outreach.

5. Updates:

- HPP – The RFP was, for the second time, discussed by the Select Board where a 4 to 1 vote was taken to support of the language proposed by the staff and HAB. Roger and Jenny participated in the SB meeting as HAB representatives. There was a discussion about the difference between an HPP and a Comprehensive Plan. Members discussed how Warrant Article 34 had originally been drafted to encourage the Town to undertake an HPP but that it had changed throughout the amendment process to include more analysis of impacts. Roger noted that a member of the Advisory Committee member will be added to the internal Working Group for the HPP and who will be a liaison to the full Advisory Committee.

Jenny wanted to acknowledge that the RFP drafting process has gotten out of hand and been dragged out and that many of the issues raised in the drafting process can be addressed during the actual planning phase and that this process has left us behind schedule in issuing the RFP and selecting a consultant.

Jonathan noted that the increased support for affordable housing has produced a reaction from forces that don't want to see change. He stated that he felt the proposed changes were designed to stop the planning process for the production of more affordable housing. He reiterated that the HPP is in compliance with WA #34 and that the intent of WA #34 is to produce an HPP.

Members agreed that once a consultant is selected, a press release about why the HPP is important and a resetting of communications about this process should take place.

- Inclusionary Zoning – Virginia reported that three new projects with cash payments under review. All were now included because of the recent changes to the IZ by-law that reduced the minimum number of units from 6 to 4 that triggers an affordable housing obligation.
- Kent-Station Street Negotiating Committee has had a few meetings and is getting ready to meet with the selected developer
- BHA Colonel Floyd – Town comments for the PEL were sent to DHCD
- Affordable Homebuyer Unit Re-sales – 3 units are in process

The meeting was adjourned at 7:10PM

Staff Updates – March 2021

Inclusionary Zoning Projects:

A cash payment of \$225,503 was received from an Inclusionary Zoning project located at 1026-1028 Commonwealth Ave. Cash payments from two other projects – 20 Boylston Street and 54 Auburn Street – are expected by the end of 2021.

Three new projects that will be subject to Section 4.08 of the Town's Zoning By-law are now in the review process with the Planning Board and the ZBA. Two of the projects contain five new condominiums each and one project is an existing 4 unit building that will be adding one new unit. Because of the recent changes to the Town's Inclusionary Zoning By-law, all of these will now be required to make payments to the Housing Trust.

40B Projects: A Project Eligibility Letter was received for the BHA's 32 Marion Street project. We anticipate this project to file for a Comprehensive Permit within the next several weeks.

The project at 83 Longwood Ave. received a PEL and submitted for a Comprehensive permit this month. It is anticipated that the hearing will open soon.

Two new 40Bs will be filing for PEL's soon. 45 Bartlett Crescent is a proposed 28 unit condo project which will contain 7 affordable condos and Hebrew Senior Life plans to submit for a PEL by early April for a 45 unit affordable project at 108 Centre Street.

Three projects continue the ZBA review process (500 Harvard, 217 Kent, and 209 Harvard).

Staff anticipates that three current 40B projects that are under construction will be completed in 2021, containing a total of 228 units with 49 of these being affordable to households earning up to 50% AMI (Residences of South Brookline, 21 Crowninshield, and Babcock Place). Marketing and tenant selection are complete for ROSB and the other projects will be marketed later this year.

See attached chart listing all current 40B projects. For more detailed information on these projects, please see: <https://brooklinema.gov/1311/Chapter-40B-Status>

Housing Production Plan: The HPP RFP has been sent to the Town's Purchasing Department for final preparations. The purchasing office will advertise the consulting opportunity, post it in the Central Register and will work with staff to send it to a number of prospective consultants directly.

Kent Street: The Negotiating Committee met three times to review the developer's financial assumptions and potential Town subsidies in preparation for a meeting with the 2Life Communities. The three meetings were held in executive session. The task of the Committee is to report back to the

Select Board with a recommendation on whether to move forward with 2Life Communities as the project developer based on the outcome of negotiations.

Hebrew Senior Life/ Centre Street 40B: Hebrew Senior Life has decided to focus on the redevelopment of 108 Centre Street as a 45-unit affordable 40B project. The project will be filing for a Project Eligibility Letter by early April from DHCD and will seek state subsidies once permitted.

Affordable Homeownership Unit Re-sales: The Housing Division remains active in the process of facilitating the resales of the following units

Address	Bedrooms	Price	Target population	Deed-restriction	Status
323 Boylston St. Unit # 2-108	3	\$ 345,776.00	100% of AMI	TOWN	Marketing
150 Pleasant St. Unit 308	1	\$ 195,421.00	80% of AMI	DHCD	Screening Buyer
150 Pleasant St. Unit 402	1	\$ 195,421.00	80% of AMI	DHCD	Screening Buyer
8 Juniper St. Unit 32	2	\$ 204,433.30	80% of AMI	DHCD	Screening Buyer
32 Juniper St. Unit 90	2	TBD	80% of AMI	DHCD	Est. Sales Price
32 Juniper St. Unit 92	2	TBD	80% of AMI	DHCD	Est. Sales Price/Repairs

For more information on the current lotteries, please see: <https://brooklinema.gov/231/Affordable-Housing-Search>

Inclusionary Zoning and 40B Projects - Approved by ZBA but Not Completed or Placed on the SHL
 (updated March 2021)

40B Projects - approved:

	Total Units:	Affordable Units:	Year Approved:	Status:
Residences of South Brookline	175	35	2016	under construction/lottery complete/ expected completion 2021
21 Crowninshield	8 *	2	2016	under construction/ expected completion 2021/marketing not begun
40 Centre Street	40	10	2017	litigation with neighbors complete/ appeal period
1180 Boylston Street	50	10	2017	approved - pulling building permit
Babcock Place	45 *	12	2018	under construction/ expected completion 2021/marketing not begun
Puddingstone	250	50	2018	all modifications approved - seeking building permit
1299 Beacon Street	55 *	11	2019	approved - no building permit
445 Harvard Street	25 *	5	2019	approved - no building permit
Total:	648	135		

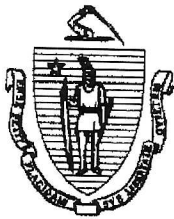
**these four projects are on the current SHL but may be removed if building permit or completion deadlines are not met.*

IZ Projects - approved or in process:

1026-1028 Commonwealth Ave	15	cash payment	2017	Payment made in April
20 Boylston Street	14	cash payment	2018	Condos - expected completion by Fall of 2021
54 Auburn Street	12	cash payment	2019	Rental - expected completion by Fall of 2021
199-201 Boylston Street	6	cash payment	2019	under construction/ foundations only/progress slowed by pandemic
603 - 619 Boylston Street	12	cash paym- cash paym	2019	approved - in litigation with neighbors
Gerry Building	36	5	2019	Rentals - under construction, completion expected Feb of 22
The Coolidge	140	11 + cash payment	2019	just starting approval process for building permit
58 Kent Street	9	cash payment	2020	currently seeking building permit
14 Green Street	5	cash payment	NA	Under review by PB & ZBA
1684 Beacon Street	5	cash payment	NA	Under review by PB & ZBA
15 Euston Street	5	cash payment	NA	Under review by PB & ZBA
Total:	259	16 units + cash payments		

40B Projects - under review:

1223 Beacon Street	123	31	Comp Permit under review by the ZBA - continued (on hold)
500 Harvard Street	30	6	Comp Permit under review by the ZBA - in process
217 Kent Street	90	23	Comp Permit under review by the ZBA - in process
209 Harvard Street	44	11	Comp Permit under review by the ZBA - in process
83 Longwood Ave	64	13	Comp Permit filed with ZBA
32 Marion/BHA Col Floyd	139	139	PEL Received from DHCD
45 Bartlett Crescent	28	7	No PEL request yet submitted
108 Centre Street	45	45	Submitting PEL request to DHCD soon
Total:	563	275	



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

March 11, 2021

Ms. Maria T. Maffei
Director of Redevelopment
Brookline Housing Authority
90 Longwood Avenue
Brookline, Massachusetts 02446

Re: 32 Marion Street Phase I, Brookline, MA – Site Approval Letter

Dear Ms. Maffei:

We are pleased to inform you that your application for project eligibility determination for the proposed 32 Marion Street Phase I project located in Brookline, Massachusetts, has been approved under the Low Income Housing Tax Credit (LIHTC) program. The property is located at 32-40 Marion Street and 19-36 Foster Street, Brookline, Massachusetts. This approval indicates that the proposed plan is for 115 units, all of which will be affordable at no more than 60% of area median income. Phase I will consist of a six-story building with 115 one-bedroom housing units and commercial space. The rental structure as described in the application is generally consistent with the standards for affordable housing to be included in the community's Chapter 40B affordable housing stock. This approval does not constitute a guarantee that LIHTC funds will be allocated to the 32 Marion Street Phase I project. It does create a presumption of fundability under 760 CMR 56.04, and it allows the Brookline Housing Authority to apply to the Brookline Zoning Board of Appeals for a comprehensive permit. We understand that the developer may seek approval to develop a second housing phase on the site in the future. The sponsor should note that a One Stop+ submission for funding for this project must conform to all Department of Housing and Community Development (DHCD) program limits and requirements in effect at the time of submission.

As part of the review process, DHCD has made the following findings:

1. The proposed project appears generally eligible under the requirements of the Low Income Housing Tax Credit program.
2. DHCD has performed an on-site inspection of the proposed 32 Marion Street Phase I project and has determined that the proposed site is an appropriate location for the project. The site is located less than a mile from the MBTA and the Coolidge Corner shopping district.

3. The proposed housing design is appropriate for the site. It will replace the current 60-unit development with a building with a total of 115 units. The Phase I building will contain 115 units and provide administrative office and common community space in a six-story building.
4. The proposed project appears financially feasible in the context of the Brookline housing market. The proposal states that all units will be reserved for households earning up to 60% of area median income (AMI).
5. The initial proforma appears financially feasible and consistent with the requirements for cost examination and limitations on profits on the basis of estimated development and operating costs. Please note again that a OneStop+ submission for funding for this project must conform to all DHCD program limits and requirements in effect at the time of submission.
6. There was no appraisal of the property commissioned by DHCD. The Low-Income Housing Tax Credit Program Guidelines state that the allowable acquisition value of a site with a comprehensive permit must be equal to or less than the value under pre-existing zoning, plus reasonable carrying costs. The site will be conveyed for no consideration.
7. The ownership entity will be a single-purpose entity controlled by the Applicant, subject to limited dividend requirements, and meets the general eligibility standards of the Low Income Housing Tax Credit program. The Applicant will need to demonstrate sufficient organizational capacity to successfully develop the project under the Low-Income Housing Tax Credit program.
8. The Applicant is the designated developer of the site.
9. Comments on the application from the Town of Brookline relayed to DHCD are attached to this letter.

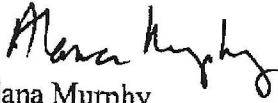
The proposed 32 Marion Street Phase I project will have to comply with all state and local codes not specifically exempted by a comprehensive permit. In applying for a comprehensive permit, the project sponsor should identify all aspects of the proposal that will not comply with local requirements.

If a comprehensive permit is granted, construction of this project may not commence without DHCD's issuance of final approval pursuant to 760 CMR 56.04 (7) and an award of LIHTC funds. This project eligibility determination letter is not transferable to any other project sponsor or housing program without the express written consent of DHCD. When construction is complete, a Chapter 40B cost certification and an executed and recorded 40B Regulatory Agreement in compliance with DHCD's requirements pertaining to Chapter 40B must be submitted to and approved by DHCD prior to the release of a Low-Income Housing Tax Credit Form 8609.

This letter shall expire two years from this date, or on March 11, 2023, unless a comprehensive permit has been issued.

We congratulate you on your efforts to work with the town of Brookline to increase its supply of affordable housing. If you have any questions as you proceed with the project, please feel free to call or email Rebecca Frawley Wachtel at (617) 573-1318 or at Rebecca.Frawley@mass.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Alana Murphy". The signature is fluid and cursive, with the first name "Alana" being more prominent than the last name "Murphy".

Alana Murphy
Deputy Director, Housing Development

cc: Chairman Bernard Greene, Brookline Board of Selectmen